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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,840

10/29/2003

Takayuki Yajima

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08/25/2009

SCHULTE ROTH & ZABEL LLP

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EXAMINER

SABOURI, MAZDA

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,840

Applicant(s)

YAJIMA, TAKAYUKI

Examiner

MAZDA SABOURI

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims filed on 6/16/2009 have been considered but are moot in view of the new ground (s) of rejection

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/16/2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7-11 and 13-16** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 2002/0006815 (Finke-Anlauff).
5. **As to claim 7**, Mizuta teaches a portable terminal unit (500, fig 4a) comprising:
 - A first housing (100, fig 4a) having a main operation section (102, fig 4a);

- A second housing (200, figs 4a) superimposed on said first housing so as to cover said main operation section in a closed state and wherein both housings relatively rotate 180 degrees from the closed state (see figs 9b-9d);
 - An auxiliary operation section (208, fig 4a);
 - A single, main display section (202, fig 4a) for displaying screens responsive to the operation of one of said main operation section and said auxiliary operation section and provided on one of said first housing and said second housing (see paragraphs 76 and 96);
 - A coupling section (300, fig 4a) for coupling to rotate both of said housings that relatively rotate around an axis extending in a superimposed direction of said two housings (see figs 9b-9d);
 - Said auxiliary operation section (207, fig 4a) disposed on a side of said portable terminal (see paragraph 159) and comprising at least one key provided on a surface other than surfaces, which are opposed to each other, of said both housings in the closed state including other than said display section;
 - Wherein in an opened state said main operation section is used to operate said main display section and wherein said at least one key is operative to operate said main display section in the closed state (see paragraphs 122, 125 and 142)
6. What is lacking is “wherein said at least one key is inoperative at least in the opened state but operative only in the closed state”. Mizuta teaches that the auxiliary

operation section is to be used in the opened state (see paragraph 125 and 142) but fails to teach deactivating the auxiliary operation section in the closed state and activating it in the opened state.

7. In a similar field of endeavor, Finke-Anlauf teaches a portable terminal unit that comprises a single display (4, figs 1 and 2), main operation section (10+11, fig 2) to be used in an open state, and an auxiliary operation section (9, fig 2) to be used in a closed state. Finke-Anlauf teaches that the auxiliary operation section is inoperative in the opened state when it is not being used but operative in the closed state when it is to be used (see Finke-Anlauf, paragraph 19).

8. The teachings of Finke-Anlauf help to ensure efficient use of the portable terminal's battery power, by deactivating operation sections when they are not being used. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Finke-Anlauf into those of Mizuta, for the reasons mentioned above.

9. **As to claim 15**, Mizuta teaches a portable terminal comprising:

- A first housing (200, fig 4a) having a main display section (202, fig 4a);
- A second housing (100, fig 4a) coupled to the first housing and having main keys (102, fig 4a) for the main display section (see paragraphs 76 and 96);
- An auxiliary section (207, fig 4a) for the main display section disposed on a side of the portable terminal (see paragraphs 125, 142 and 159);
- Wherein the first housing is movable relative to the second housing between a closed a position, in which the main keys are covered by the first housing,

and an opened position, in which the main keys are exposed to an outside (see figures 9b-9d);

- Wherein in the opened position the main display section and the auxiliary section for the main display section are both exposed to the outside, and in the closed position the main display section and the auxiliary section for the main display section are both exposed to the outside (see figures 9b-9d);
- And wherein when the first housing is moved from the closed position to the opened position, the main display section is kept active (see paragraphs 113).

10. What is lacking is "while the auxiliary section for the main display section is switched from the active to inactive" in the opened state. Mizuta teaches that the auxiliary section is to be used in the opened state (see paragraph 125 and 142) but fails to teach deactivating the auxiliary operation section in the closed state.

11. In a similar field of endeavor, Finke-Anlauf teaches a portable terminal unit that comprises a single display (4, figs 1 and 2), main operation section (10+11, fig 2) to be used in an open state, and an auxiliary operation section (9, fig 2) to be used in a closed state. Finke-Anlauf teaches that the auxiliary operation section is inoperative in the opened state when it is not being used but operative in the closed state when it is to be used (see Finke-Anlauf, paragraph 19).

12. The teachings of Finke-Anlauf help to ensure efficient use of the portable terminal's battery power, by deactivating operation sections when they are not being used. It would have been obvious to one of ordinary skill in the arts at the time the

invention was made to combine the teachings of Finke-Anlauf into those of Mizuta, for the reasons mentioned above.

13. **As to claim 8**, Finke-Anlauf further teaches a state detecting section (15, fig 4) and a lock control section (18, fig 4) (see Finke-Anlauf, paragraph 19).

14. **As to claim 9**, Finke-Anlauf further teaches that the auxiliary operation section is operative when both housings of the portable terminal unit are in the closed state (folded) and inoperative when both housings are in other states than the closed state (unfolded) (see Finke-Anlauf, figs 1 and 2 and paragraph 19).

15. **As to claim 10**, Finke-Anlauf further teaches that the auxiliary operation section is inoperative when both housings of the portable terminal unit are in the opened state (unfolded) and operative when both housings are in other states than the opened state (folded) (see Finke-Anlauf, figs 1 and 2 and paragraph 19).

16. **As to claim 11**, Mizuta further teaches that the second housing has a display section faced in the same direction as the direction of the surface having the main operation section (see figures 9b-9d).

17. **As to claim 13**, Mizuta further teaches that the device is a mobile radiotelephone (see paragraph 160).

18. **As to claim 14**, Mizuta further teaches that the device is a personal digital assistant (see paragraph 160).

19. **As to claim 16**, Mizuta further teaches that the main display section is a single display unit (see figure 4a).

20. What is lacking from Mizuta in view of Finke-Anlauf is the auxiliary operation section disposed on the first housing. In a similar field of endeavor, Shima teaches a portable terminal with a single main display (1, fig 4) and an auxiliary operation section (

21. **Claims 1-6, 17-23** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 2002/0006815 (Finke-Anlauff) in view of US 6839101 (Shima).

22. **As to claim 1**, Mizuta teaches a portable terminal unit (500, fig 4a) comprising:

- A first housing (100, fig 4a) having at least a main operation section (102, fig 4a);
- A second housing (200, figs 4a) having an auxiliary operation section (207, fig 4a) and a main display section (202, fig 4a) for displaying screens responsive to the operation one of the main operation section and said auxiliary operation section (see paragraphs 76 and 96);
- Wherein both of said housings are coupled together to move between an open state and a closed state so that said main operation section is covered with said second housing in the closed state and is exposed outside in the opened state, and said main display section is exposed outside in both of the closed state and the opened state (see figures 9b-9d),
- Said auxiliary operation section disposed on a side of said portable terminal (note that these keys can be on the side, see paragraph 159) comprising at least one key provided on a surface other than surfaces, which are opposed

- to each other of said both housings in the closed state including other than said main display section,
- Wherein the auxiliary operation section is used to at least navigate and view information displayed on the main display section in the closed state (see paragraphs 125 and 142).
 - Wherein in the opened state said main operation section is used to operate said main display section and wherein said auxiliary operation section operative to operate to navigate and view information on the main display section in the closed state (see paragraphs 122, 125 and 142)
23. What is lacking is "wherein said auxiliary operation section is inoperative at least in the opened state but operative only in the closed state". Mizuta teaches that the auxiliary operation section is to be used in the opened state (see paragraph 125 and 142) but fails to teach deactivating the auxiliary operation section in the closed state and activating it in the opened state.
24. In a similar field of endeavor, Finke-Anlauf teaches a portable terminal unit that comprises a single display (4, figs 1 and 2), main operation section (10+11, fig 2) to be used in an open state, and an auxiliary operation section (9, fig 2) to be used in a closed state. Finke-Anlauf teaches that the auxiliary operation section is inoperative in the opened state when it is not being used but operative in the closed state when it is to be used (see Finke-Anlauf, paragraph 19).
25. The teachings of Finke-Anlauf help to ensure efficient use of the portable terminal's battery power, by deactivating operation sections when they are not being

used. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Finke-Anlauf into those of Mizuta, for the reasons mentioned above.

26. What is lacking is the auxiliary operation section being comprised on the first housing. Mizuta teaches the auxiliary operation section being comprised on a side of the second housing, but not the first (see paragraph 159).

27. In a similar field of endeavor, Shima teaches a portable terminal with a main operation section (3, fig 4) on a first housing (22, fig 4) and a single display (1, fig 4) on a second housing (21, fig4) viewable in both an open and closed state. The portable terminal has an auxiliary operation section (side keys, 3, fig 4) that is comprised on both the sides of the first and second housings (see Shima, column 7, lines 42-45).

28. The teachings of Shima provide additional functionality (by providing more room for keys) for the portable terminal taught by Mizuta when it is in the closed state. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Shima into those of Mizuta in view of Finke-Anlauf, for the reasons mentioned above.

29. **As to claim 2**, Finke-Anlauf further teaches a state detecting section (15, fig 4) and a lock control section (18, fig 4) (see Finke-Anlauf, paragraph 19).

30. **As to claim 3**, Finke-Anlauf further teaches that the auxiliary operation section is operative when both housings of the portable terminal unit are in the closed state (folded) and inoperative when both housings are in other states than the closed state (unfolded) (see Finke-Anlauf, figs 1 and 2 and paragraph 19).

31. **As to claim 4**, Finke-Anlauf further teaches that the auxiliary operation section is inoperative when both housings of the portable terminal unit are in the opened state (unfolded) and operative when both housings are in other states than the opened state (folded) (see Finke-Anlauf, figs 1 and 2 and paragraph 19).
32. **As to claim 5**, Mizuta further teaches that the device is a mobile radiotelephone (see paragraph 160).
33. **As to claim 6**, Mizuta further teaches that the device is a personal digital assistant (see paragraph 160).
34. **As to claim 17**, note that the auxiliary operation section cited the rejection of claim 1 comprises side keys in a longitudinal direction on the first housing (see Shima, figure 4).
35. **As to claim 18**, note that the auxiliary operation section cited the rejection of claim 1 comprises side keys disposed on an end portion of the side surface in the longitudinal direction (see Shima, figure 4).
36. **As to claim 19**, note that the auxiliary operation section cited the rejection of claim 1 comprises side keys disposed in the vicinity of a connecting unit for connecting the first and second housing (see Shima, figure 4).
37. **As to claim 20**, note that the auxiliary operation section cited the rejection of claim 1 comprises side keys provided on a side surface of both the first and second housing (see Shima, column 7, lines 42-45).
38. **As to claim 21**, what is lacking is the auxiliary operation section having a lever switch. Examiner takes official notice that lever switches on sides of portable terminals

were well known in the arts at the time the invention was made. Lever switches can be used in place of conventional keys in shutting on or off certain functions, or increasing or decreasing aspects of the terminals such as volume and backlight intensity. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to utilize lever switches in the portable terminal taught by Mizuta in view of Finke-Anlauff in view of Shima, for the reasons mentioned above.

39. **As to claim 22**, note that the auxiliary operation section cited the rejection of claim 1 comprises side keys provided on both sides of a given housing (see Shima, column 7, lines 42-45 and figure 4).

40. **As to claim 23**, note that the auxiliary operation section cited the rejection of claim 1 comprises side keys disposed on a side surface of the second housing that is not close to the main display (see Shima, figure 4).

41. **Claims 12** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 2002/0006815 (Finke-Anlauff) as applied to claim 7 above, and further in view of US 6839101 (Shima).

42. **As to claim 12**, what is lacking is the auxiliary operation section being comprised on the first housing. Mizuta teaches the auxiliary operation section being comprised on a side of the second housing, but not the first (see paragraph 159).

43. In a similar field of endeavor, Shima teaches a portable terminal with a main operation section (3, fig 4) on a first housing (22, fig 4) and a single display (1, fig 4) on a second housing (21, fig4) viewable in both an open and closed state. The portable

terminal has an auxiliary operation section (side keys, 3, fig 4) that is comprised on both the sides of the first and second housings (see Shima, column 7, lines 42-45).

44. The teachings of Shima provide additional functionality (by providing more room for keys) for the portable terminal taught by Mizuta when it is in the closed state. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Shima into those of Mizuta in view of Finke-Anlauf, for the reasons mentioned above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAZDA SABOURI whose telephone number is (571)272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached at 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
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